

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kenneth H. Remley II
Dawn R. Remley
aka Dawn Rochelle Remley, aka Shelly Remley
Debtor(s)

Bankruptcy Case No.: 14-21423-GLT
Issued Per 9/6/2018 Hearing
Chapter: 13
Docket No.: 205 – 183, 196
Concil. Conf.: September 6, 2018 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 31, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$5,515.00 as of September, 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Sep. 6, 2018 at 09:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The Trustee's Certificate of Default to Dismiss at Docket No. 183 is Dismissed as being Withdrawn.
 - 1. Beaver County TCB post-petition claim No. 10 to be paid with 9% interest.
 - 2. The secured claim(s) of the following creditor(s) shall govern, and then following all allowed post-petition payment change notices filed of record Claim No. 9-2 of JP Morgan Chase.

3. Attorneys fees to be paid base on no look at \$4,000.00 plan Z \$1,000.00 no look LMP.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

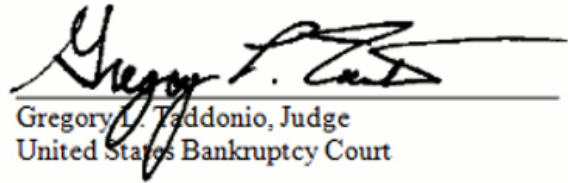
C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

- A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D.** Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: September 6, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 5 of 6

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Kenneth H. Remley, II
Dawn R. Remley
DebtorsCase No. 14-21423-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
Form ID: 149Page 1 of 2
Total Noticed: 27

Date Rcvd: Sep 06, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 08, 2018.

db/jdb
cr +Kenneth H. Remley, II, Dawn R. Remley, 160 Hickory Drive, Beaver Falls, PA 15010-1418
+Beaver County Tax Claim Bureau, Beaver County Courthouse, 810 Third Street,
Beaver, PA 15009-2100

cr ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage, LLC., PO Box 630267, Irving, TX 75063)

13848057 +Allied Adjustors, PO Box 1006, Aliquippa, PA 15001-0806
13848059 Bank of America, P.O. Box 15137, Wilmington, DE 19850-5137
13848060 Bank of America (FIA Card Services), P.O. Box 15137, Wilmington, DE 19850-5137
14897843 +Beaver County Tax Claim Bureau, 810 Third Street, Beaver, PA 15009-2139
13848061 +Beaver County Treasurer, 810 Third Street, Beaver, PA 15009-2196
13848063 +Chase, P.O. Box 15298, Wilmington, DE 19850-5298
13848064 +Chase Bank, P.O. Box 24696, Columbus, OH 43224-0696
13853899 +Department Stores National Bank/Macy's, Bankruptcy Processing, Po Box 8053,
Mason, OH 45040-8053

13848066 +Heritage Valley Medical Center, of Beaver, 1000 Dutch Ridge Road, Beaver, PA 15009-9727
13830662 JP Morgan Chase, 1111 Polaris Parkway, Columbus, OH 43240-2050
13974678 +JPMorgan Chase Bank, National Association, Chase Records Center, Attn: Correspondence Mail,
Mail Code: LA4-5555, 700 Kansas Lane, Monroe, LA 71203-4774

13848067 +Macys, P.O. Box 183083, Columbus, OH 43218-3083
13848068 +Macys (MCYDSNB), 9111 Duke Blvd., Mason, OH 45040-8999
13878398 +NATIONSTAR MORTGAGE, LLC, C/O Weinstein, Pinson, & Riley, P.S.,
2001 Western Avenue, Ste. 400, Seattle, WA 98121-3132

13848071 +Sears/CBNA, P.O. Box 6283, Sioux Falls, SD 57117-6283
13848072 Travelers Insurance Co., P.O. Box 660307, Dallas, TX 75266-0307

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13833986 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 07 2018 02:29:27
American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941,
Oklahoma City, OK 73126-8941

13848058 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Sep 07 2018 02:14:18 Asset Acceptance,
P.O. Box 1630, Warren, MI 48090-1630

13848062 E-mail/Text: bankruptcy@cavps.com Sep 07 2018 02:14:31 Cavalry Portfolio Services,
P.O. Box 27288, Tempe, AZ 85282-7288

13843032 +E-mail/Text: bankruptcy@cavps.com Sep 07 2018 02:14:31 Cavalry SPV I, LLC,
500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321

13851290 E-mail/Text: mrdiscen@discover.com Sep 07 2018 02:13:49 Discover Bank,
DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025

13848065 +E-mail/Text: mrdiscen@discover.com Sep 07 2018 02:13:49 Discover Financial Card Services,
P.O. Box 15316, Wilmington, DE 19850-5316

13903496 +E-mail/Text: bankruptcydpt@mcmcg.com Sep 07 2018 02:14:20 Midland Credit Management, Inc.,
as agent for Asset Acceptance LLC, PO Box 2036, Warren, MI 48090-2036

13848069 +E-mail/Text: bankruptcydpt@mcmcg.com Sep 07 2018 02:14:20 Midland Funding,
8875 Aero Drive, Ste. 200, San Diego, CA 92123-2255

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr First Horizon Home Loans, Et Al...

cr JPMorgan Chase Bank, N.A.

13848070* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage, 350 Highland Drive, Lewisville, TX 75067)

13830663 ##+Phelan Hallinan, LLP, Omni William Penn Office Tower, 555 Grant Street, Suite 360,
Pittsburgh, PA 15219-4411

TOTALS: 2, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 27

Date Rcvd: Sep 06, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 08, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 6, 2018 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor First Horizon Home Loans, Et Al...
andygornall@latouflawfirm.com
Dai Rosenblum on behalf of Debtor Kenneth H. Remley, II Jody@dairosenblumbankruptcy.com,
pjbz@zoominternet.net;Dai@dairosenblumbankruptcy.com;Michael@dairosenblumbankruptcy.com
Dai Rosenblum on behalf of Joint Debtor Dawn R. Remley Jody@dairosenblumbankruptcy.com,
pjbz@zoominternet.net;Dai@dairosenblumbankruptcy.com;Michael@dairosenblumbankruptcy.com
James Warmbrodt on behalf of Creditor First Horizon Home Loans, Et Al...
bkgroup@kmlawgroup.com
James A. Prostko on behalf of Creditor Nationstar Mortgage, LLC. pawb@fedphe.com,
james.prostko@phelanhallinan.com
James A. Prostko on behalf of Creditor JPMorgan Chase Bank, N.A. pawb@fedphe.com,
james.prostko@phelanhallinan.com
Jodi L. Hause on behalf of Creditor JPMorgan Chase Bank, N.A. jodi.hause@phelanhallinan.com,
pawb@fedphe.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Paul William Cressman on behalf of Creditor JPMorgan Chase Bank, N.A. pawb@fedphe.com
Robert J. Taylor on behalf of Creditor Beaver County Tax Claim Bureau rjt52@hotmail.com,
barristerob@gmail.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 11